

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

JOHNNY D. HARDEE,	)	CIVIL ACTION 4:11-CV-00931-TER
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	
	)	

On October 23, 2012, the Plaintiff filed a motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 42 U.S.C. § 2412(d) in the amount of \$5,604.02 and costs of \$350.00 for a total of \$5,954.02. On November 9, 2012, Defendant filed a response stating that Defendant does not object to the amount of EAJA fees requested and agrees to pay Plaintiff \$5,604.02 in attorney fees, plus \$350.00 in costs for the filing fee and that the award would be without prejudice to the rights of Plaintiff's counsel to seek attorney's fees under Section 206(b) of the Social Security Act, 42 U.S.C. §406(b), subject to the offset provisions of the EAJA.

Therefore, it is

**ORDERED** that Plaintiff's motion (doc. #32) as outlined above is granted, and Plaintiff<sup>1</sup> is awarded attorney fees pursuant to EAJA in the amount of \$5,604.02 plus costs of \$350.00 for the filing fee.

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<sup>1</sup> See Payton v. Astrue, 2012 WL 1859193 (D.S.C. May 22, 2012).

**IT IS SO ORDERED.**

November 15, 2012  
Florence, South Carolina

s/Thomas E. Rogers, III  
Thomas E. Rogers, III  
United States Magistrate Judge